

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

Bette Eileen Olivares,

Debtor(s)

Case No. 20-03584

Chapter 13

Hon. John T. Gregg

Filed: December 2, 2020

SECOND PRE-CONFIRMATION PLAN AMENDMENT

HISTORY:

- The Original Chapter 13 Plan was filed on 12/2/20 [DN6]
- The First Pre-Confirmation Plan Amendment was filed on 1/29/21 [DN26]

PURPOSE:

- This Plan Amendment amends Paragraphs III.C. and IV.R.2. to correct paragraph numbering (III.C. was erroneously numbered at III.D.), modify timing of the lump sum payment to Debtor's Plan and note that a third mortgage may be necessary.
- This Plan Amendment amends Paragraph III.C.1.d. to edit treatment of Debtor's Condominium Association Dues.

This amendment affects the above referenced paragraphs only. All other provisions of the plan, as amended, remain unaffected by this amendment.

A limit on the amount of a secured claim, set out in Paragraph III.C.2.c and III.C.1.g., which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Paragraph IV.R.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Nonstandard provisions, set out in Paragraph IV.R.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

II. FUNDING

- C. (XX) **OTHER PLAN PAYMENT PROVISIONS.** Please see additional provisions under paragraph IV.R for additional funding information (e.g. lump sum payments through sale of real property).

III. DISBURSEMENTS**C. SECURED CLAIMS.****1. Real Property:**

- d. **Condominium Association Dues:** Unless otherwise stated, the Trustee will calculate the payments due from the first day of the month following the month of the petition date. If the creditor appears in this section it will be paid as a real property secured creditor, even if the creditor also appears in paragraph III.D dealing with executory contracts.

Condominium Association Name and Address	Property Address	Estimated Monthly Payment Amount	Estimated Arrears ⁱ
Stratford Hills Condo Assoc, PO Box 148, Oshtemo, MI 49077	8656 Hathaway, Kalamazoo, Michigan	\$300/annually \$25/month	\$6,100 (arrearage to be paid by Trustee)

ⁱ The amount of prepetition arrears is an estimate and the Trustee shall pay the prepetition arrears based on the proof of claim as filed. Any claim filed for prepetition arrears shall be paid through the Plan over a reasonable period of time and pro-rata with other secured creditors without interest. This provision does not preclude any party in interest from filing an objection to the claim.

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IV. GENERAL PROVISIONS

R. **NONSTANDARD PROVISIONS.** Nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in this Model Plan or deviating from it. Nonstandard provisions set out elsewhere in this Plan are ineffective and void. The following Plan provisions will be effective only if there is a check in the box "Included" in the Preamble.

1. **Escrow Provision for Administrative Claims:** The Trustee shall, if available after month payments on attorney fees and required secured claims, payments, escrow \$25.00 per month of the Debtor's plan payments to be reserved for payments of all allowed administrative expenses. Applications for administrative expenses not previously allowed or ordered will be filed at least 30 days before the time of the final audit or the 59th month of the plan, whichever comes first, in order to be paid from the escrowed funds. Failure to apply for the escrowed funds will result in distribution pursuant to the confirmed plan of escrowed funds on plan completion.

2. Debtor shall fund Debtor's Plan with a Lump Sum payment of \$21,000 no later than the 55th 60th month of the Plan. Such payment will arise from either the sale of the home or the securing of a ~~third second~~ mortgage on the home.

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BY FILING THIS DOCUMENT, THE ATTORNEY FOR THE DEBTOR(S) OR DEBTOR(S) THEMSELVES, IF NOT REPRESENTED BY AN ATTORNEY, ALSO CERTIFY(IES) THAT THE WORDING AND ORDER OF THE PROVISIONS IN THIS CHAPTER 13 PLAN ARE IDENTICAL TO THOSE CONTAINED IN THE APPROVED MODEL PLAN PURSUANT TO LOCAL BANKRUPTCY RULE 3015(d) FOR THE WESTERN DISTRICT OF MICHIGAN BANKRUPTCY COURT, OTHER THAN ANY NONSTANDARD PROVISIONS INCLUDED IN PARAGRAPH IV.R.

Date: February 26, 2020

/s/Bette Eileen Olivares

Bette Eileen Olivares, Debtor

Date: February 26, 2020

/s/Aaron J. Kenyon

Aaron J. Kenyon (P67589), Counsel for the Debtor(s)

Robert W. Dietrich (P49704), Counsel for the Debtor(s)